

1 Spvsr Nicotra
2 of Environmental Conservation proving
3 that GM's Inland Fisher Guide facility
4 has contaminant the entirety of Ley Creek.

5 Nevertheless, according to the
6 Settlement Agreement the trust monies
7 can be spent east of that artificial
8 line, but not west of it. This is a
9 mistake. To spend the money east of the
10 bridge at Route 11 will be duplicative
11 of past remedial efforts and a waste of
12 the environmental trust funds.

13 The agreement further bars the Town
14 and the State of New York from receiving
15 millions of dollars in compensation to
16 address the cleanup of GM's hazardous
17 waste generated at the Inland Fisher
18 Guide facility, which are now located at
19 the former Town of Salina landfill site.

20 The former GM facility is now
21 thriving again with hundreds of jobs
22 from multiple companies. The Town,
23 together with our partners in the state
24 and county, worked to turn the bad
25 economic situation left to us by GM into

1 Spvsr Nicotra
2 a positive result for our community. We
3 now respectfully request that the
4 federal government do the same for the
5 negative environmental conditions GM has
6 left in our community.

7 Clearly, the signers of the Settle-
8 ment agreement recognized that there are
9 problems downstream from the Inland
10 Fisher Guide site. They identified
11 Upper Ley Creek as a potential site
12 where funds can be spent. Unfortunately
13 this is not where the problem only exists.
14 It exists for the entirety of Ley Creek;
15 both upstream and downstream of the New
16 York State Route 11 bridge.

17 Moreover, the Settlement Agreement
18 must be modified to permit the Town and
19 the State of New York to be compensated
20 for GM's liability to the former Town of
21 Salina landfill site. The environmental
22 data collected by both federal and state
23 environmental agencies prove there is no
24 legitimate basis to exclude GM's
25 liabilities to Lower Ley Creek and the

1 Spvsr Nicotra
2 landfill site from compensation under
3 the \$641 million Environmental Trust
4 Fund the proposed Settlement Agreement
5 will create.

6 In short the Settlement Agreement
7 does not properly take into considera-
8 tion the actual environmental problems
9 GM's Inland Fisher Guide facility has
10 created in the Town. It is a cookie-
11 cutter solution crafted in the halls of
12 Washington and Albany to a global
13 problem which ignores EPA and DEC's
14 actual knowledge of the contamination
15 caused by GM in this community.

16 We're not asking you to spend more
17 money, we're just asking you to spend
18 money in the right place, and listen to
19 those local EPA and DEC officials who
20 are well versed on the lasting impacts
21 of this GM facility.

22 Just to sum up, money has already
23 been spent to clean up the GM Inland
24 Fisher Guide facility. Why are we
25 duplicating those efforts when there is

1 Spvsr Nicotra
2 a need for clean up action at Lower Ley
3 Creek and compensation for GM's
4 liability to the landfill site? Let's
5 do this right the first time so that
6 this does not get revisited in future
7 years.

8 We don't want some government agency
9 coming back to the Town of Salina for
10 the next several years telling us that
11 we need to clean up contamination that
12 was caused by GM. The taxpayers of
13 Salina cannot and should not be expected
14 to shoulder the burdens for GM a second
15 and third time.

16 Please listen to us. We are grateful
17 that you have recognized GM's
18 responsibility to our community. We are
19 grateful that you have required GM to
20 set aside money through the Environ-
21 mental Trust Fund to fix their problems.
22 All we ask is that you now direct the
23 money to fix the right problems, not
24 problems that have already been addressed.
25 Please let's use some common sense.

1 Millea (Ond Cnty)

2 MR. CASEY: Thank you, Mike. Next
3 is, let us get back to you. Did you
4 need to leave real early?

5 ROBERT GILKA: I took care of it.
6 I'm not inclined to step in front of
7 anybody.

8 MR. CASEY: All right, thank you.
9 The next speaker, you're going to have
10 to bear with me because I'm not going to
11 get it right, I'm going to try.

12 MR. KANIATAKERON: Kaniatakeron. If
13 it's all the same to you I'll go last
14 and allow the people to go.

15 MR. CASEY: That's fine with us,
16 that's great. Then the next speaker
17 would be Matthew Miller.

18 MATTHEW MILLEA: Good evening. Thank
19 you for coming this evening. My name is
20 Matthew Millea, I'm the Deputy County
21 Executive of Onondaga County. We
22 appreciate your responding to the
23 County's call for this public hearing,
24 particularly given the weather. You're
25 courageous for joining us in our lake

1 Millea (Ond Cnty)
2 affect snow, which is my first
3 experience here as well. And thank you
4 for your briefing. I think it helped to
5 hear from you the perspective on what
6 we're dealing with and I also think it
7 reassured us that our perspective on
8 this is accurate.

9 And as we just heard from the
10 supervisor, I would like to echo his
11 sentiments, that we feel a mistake is
12 being made. And I am submitting formal
13 comments for the record so I won't take
14 up too much time but I really think that
15 the Supervisor spoke very eloquently
16 about the problems we're facing as a
17 County, as the Town, as the City of
18 Syracuse. There is an environmental
19 legacy that surrounds this community,
20 and we don't want to see a mistake being
21 made where a demarcation is being made
22 arbitrarily simply because the Consent
23 Order was placed in one section of the
24 Creek and not another.

25 We know for a fact that there is

1 Millea (Ond Cnty)
2 discussions going on about entering into
3 a Consent Order for the Lower Ley Creek,
4 and it's a shame that these lines are
5 being drawn simply because that was not
6 enacted prior to the bankruptcy of Old
7 GM.

8 Onondaga County cannot survive a \$50
9 million liability to clean up Lower Ley
10 Creek floor nor can the Town of Salina.
11 In the event, even as an unsecured
12 debtor we receive some equity, the rest
13 of the liability will likely fall to the
14 County and the Town. And that cannot
15 happen. So you'll see in our comments
16 our justifications for this, we've
17 submitted a lengthy letter to that point
18 explaining in greater detail our views
19 on that.

20 We do appreciate your being here to
21 hear our concerns. And again, we feel
22 very strongly that GM should take prime
23 liability for all of Ley Creek not just
24 to the Route 11 bridge, but all of Ley
25 Creek and for their share of the

1 Legislator Corbett
2 liability of the Lake Bottom. And we.
3 appreciate your reconsideration of this
4 trust. We fear that the properties of
5 Lower Ley Creek and the Lake Bottom not
6 being included in this list will bar us
7 from the major proceeds of the
8 Environmental Trust and that the
9 unsecured claims, as you know, \$40
10 billion will leave us very short of the
11 funds needed to remediate these
12 properties. Thank you for your time.

13 MR. CASEY: The next speaker is Jim
14 Corbett.

15 LEGISLATOR JIM CORBETT: Thank you,
16 again, Jim Corbett, I'm the Chairman of
17 the Environmental Protection Committee
18 for Onondaga County and a County
19 Legislator. I'm also involved on the
20 other side of the lake. I represent the
21 area that has the wastebeds and all the
22 remediation of another responsible party
23 on this side of the lake.

24 So the facts are that from the 1950s
25 to 1990s, GM discharged PCBs into Ley

1 Legislator Corbett

2 Creek. In '85 GM entered into a Consent
3 with the DEC concerning Ley Creek and
4 its remediation. Those are straight
5 facts. GM acknowledged this and was
6 responsible for the entire length of the
7 Creek, right on to Onondaga Lake.

8 The current plan for the 8.5 million
9 to clean up only Upper Ley Creek to US
10 Route 11 is not acceptable. More
11 dedicated clean up monies should be
12 available for the Lower Ley Creek. I
13 won't go into a lot of the same
14 statements that have been made, I concur
15 with that. But this clean up plan
16 should be redefined to include Ley Creek
17 from the Inland Fisher Guide all the way
18 down into Onondaga Lake.

19 Lower Ley Creek should not become a
20 liability for the citizens of Onondaga
21 County. We've been very responsible
22 with Onondaga Lake trying to get it back
23 to where it was at one time and
24 acknowledging what we have to do. What
25 happened along Ley Creek was not our

1 Glance
2 responsibility, and the citizens of
3 Onondaga County should not be held
4 responsible and have to pay for this.
5 Thank you very much.

6 MR. CASEY: Thank you. The next
7 speaker is Doreth Glance.

8 DORETH GLANCE: Hello, my name is
9 Doreth Glance, I'm the Executive Program
10 Director with Citizens Campaign for the
11 Environment. We represent over 80,000
12 members throughout New York and
13 Connecticut. We advocate solutions and
14 empower communities to achieve those
15 solutions.

16 I live here in Syracuse, I also
17 Chair the Onondaga Lake Bottom Community
18 Participation Working Group. And one of
19 the things that our community has worked
20 very hard is to clean up Onondaga Lake
21 from both using the Clean Water Act as
22 well as Superfund to restore this
23 amazing urban waterway and it's one lake
24 with lots of sites.

25 And all of the sub sites that you

1 Glance

2 named that are specifically part of the
3 Settlement and could potentially receive
4 funding when we get to a point in the
5 future, are incredibly critical. And I
6 want to speak specifically to Lower Ley
7 Creek, which has been spoken about
8 previously.

9 This, the arbitrary line at the
10 bridge to make that demarcation as we
11 aren't going to clean up as the way the
12 direction of the water flows is asinine.
13 This is flowing into the lake. We have
14 some very key milestones and time lines
15 that Onondaga, the Onondaga Lake
16 Remediation Project have to move forward
17 on. We're set to begin dredging in 2012
18 in the Lake Bottom to remove the
19 contamination. And all of the upland
20 sites, which include GM's responsibility
21 need to fit within, we need to be able
22 to remediate that prior to the dredging
23 the Lake Bottom, otherwise what's the
24 point? We're just going to be removing
25 materials and then there is going to be

1 Glance

2 more pollution that's coming in. It
3 makes no sense.

4 And I think it's very important, I
5 was very pleased with the briefing that
6 you gave, thank you so much because I do
7 not follow Bankruptcy Law, so I learned
8 a whole lot. And I was vary pleased
9 that this can be amended. And I think
10 it's very important that you, what you
11 hear from our community tonight is that
12 we want you to go back and really look
13 at is this enough money?

14 Because everything that we've
15 learned is that once you start cleaning
16 up pollution you're going to find more.
17 And its usually going to cost you more
18 than what you originally anticipated. I
19 think the Cushion Fund is a very good
20 idea. I'm very concerned about the
21 equal distribution of how that's going
22 to happen depending on the time frames
23 of other people's, of other communities
24 contamination that GM is responsible
25 for. But I think if you look at the,

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Glance

2

you know, the specific site that you

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named as well as the Lower Ley Creek --

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I'm sorry Upper Ley Creek and the

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dredging sites, and just add the

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flexibility so that we can use the

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resources from the Environmental Trust

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to go and clean up the Lower Ley Creek

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because the water flows under the bridge

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and so does the pollution. The only

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thing that would, that is completely

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artificial and arbitrary to say is that

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that contamination doesn't continue to

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go downstream and feed into Onondaga

15

Lake.

16

And so I just am hopeful and I love

17

the concept that the fact that we're

18

going to be able to have the dollars

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here locally to be able to use the Trust

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Funds. And we need to understand what

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the entire problem of this very

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complicated legacy of industrial

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pollution around Onondaga Lake is and be

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able to use those dollars wisely to make

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sure that we have the maximum benefit.

1 Glance

2 I think it's very important that the
3 public is going to be engaged in what
4 the future use of these properties will
5 be. Lower Ley Creek and Upper Ley Creek
6 and going underneath the bridge can be a
7 very beautiful recreational opportunity.
8 And we just want to make sure that there
9 is a clear opportunity for the public to
10 remain engaged throughout this entire
11 process as well.

12 But the most important thing, and
13 I'm very pleased that you came to
14 Syracuse today, is that we're able to
15 use these dollars wisely and we're able
16 to clean up the entirety of Ley Creek,
17 the key tributary to Onondaga Lake and
18 help support the overall remediation and
19 clean up of Onondaga Lake. So thank you
20 very much.

21 MR. CASEY: Thank you very much.
22 The next speaker is, might not get this
23 right. Robert Lilka.

24 ROBERT GILKA: Gilka. Your colleague
25 will know, that's a German name that's

1 Gilka (Assy Magnarelli)
2 misspelled. G-I-L-K-A, as Natalie would
3 know. My name is Jeff Gilka, I run a
4 small assembly program office here in
5 Syracuse and for my 21 years with the
6 Assembly for reasons I've never fully
7 understood the lake has been in my
8 portfolio beginning with the original
9 Consent Judgment.

10 More importantly, I'm providing
11 comments from Assemblyman William B.
12 Magnarelli, who is a local Legislator of
13 ten years standing. And I will now read
14 those comments, but only in pertinent
15 part because I've submitted them
16 previously.

17 I have read and am in substantial
18 agreement with the comments submitted by
19 the County of Onondaga on November 24,
20 2010. Writing as an Assembly member who
21 has legal training, I commend the County
22 for its well argued plea on the merits
23 and facts and the compelling call for
24 justice as fairness.

25 There can be little doubt that the

1 Gilka (Assy Magnarelli)
2 proposed Settlement favors the party
3 with superior advantage, GM, and tacitly
4 marks those of lesser advantage, the
5 taxpayers of my Assembly District in
6 Onondaga County with the responsibility
7 for remedying, if you will, a mess not
8 of their making.

9 I understand and am somewhat
10 sympathetic of the vagaries of the
11 manufacturing marketplace and even of
12 the shortsighted decision-making of GM's
13 management and R&D principles. Many
14 Onondaga County residents will recall
15 their shock at the closure of GM Inland
16 Fisher Guide and their Massena facility.
17 In my opinion that is enough of a legacy
18 without GM being allowed under cover of
19 bankruptcy, and enabled by immense
20 taxpayer support, to abrogate its clear
21 responsibilities under CERCLA and RCRA.

22 This region has supported GM quite
23 enough. As former GM workers and as
24 taxpayers underwriting the automotive
25 bailout and CERCLA and RCRA were never

1 Gilka (Assy Magnarelli)
2 intended as shields. I would hope that
3 the Department in the Environmental
4 Protection Agency in the context of a
5 negotiated national settlement will not
6 lose site of these local interests,
7 which in this instance are represented
8 not only by several valued local
9 employers but especially by the County
10 of Onondaga and the Town of Salina.

11 The Settlement as proposed leaves
12 such entities in fiscal jeopardy and at
13 a time of great economic crisis. In
14 particular, to link Salina and this
15 County to the known purveyor of PCB
16 contamination relies on linkages that,
17 however legitimized under a broad
18 reading of CERCLA and RCRA, and the
19 Bankruptcy Law, are at best tenuous when
20 they are not entirely observed.

21 As is well known to the Department
22 of Justice and the EPA, Onondaga County
23 has made great and even heroic strides
24 towards Onondaga Lake wastewater
25 management remediation, and in

1 Gilka (Assy Magnarelli)
2 partnership with Honeywell and others is
3 addressing many of the issues created by
4 industrial residuals. These efforts
5 have been made possible by federal and
6 state and local resources and of course
7 commitments from various successor
8 companies. All of these resources are
9 precious and all of these resources are
10 stressed.

11 The current proposed Settlement, at
12 least in my opinion creates the specter
13 of an ever lasting open ended project
14 wherein the government may always feel
15 free to require just one more thing.

16 I respectfully request favorable
17 consideration of an amended Settlement
18 Agreement that does not leave Onondaga
19 County taxpayers liable for what is
20 clearly and completely a corporate
21 environmental responsibility. Very
22 truly yours, William B. Magnarelli.

23 MR. CASEY: Thank you, Robert. All
24 right, the next speaker is Lindsay Speer.

25 LINDSAY SPEER: Thank you. I want

Speer

to thank everyone for coming out tonight
especially our neighbors from up north,
thank you for traveling from Akwesasne
and speaking your truth. I want to say
that on my side of the two row wampum
and ask that my government listen to
what they have to say.

I'm standing here tonight, a lot of you know me with different hats on, I'm standing here tonight only as myself. I have a degree in natural resources from Cornell University, but it doesn't take a college degree to understand that pollution flows downstream. Water flows downstream and carries pollution with it.

To limit GM's liability only to the upstream areas means that the other identified potentially responsible parties, unfortunately including the Town of Salina and Onondaga County will be left to deal with the pollution. This is my community and that's not fair. And that being said, not only do

Speer

to boundaries need to expand but so does
the amount of money allocated.

My understanding that this Settlement is the result of bankruptcy proceedings and bailout of GM. GM continues to exist, free of the shackles of its environmental liabilities at a cost of the people's and the communities it has affected financially and medically. GM reported \$2 billion profit in the third quarter of this year.

There is something profoundly wrong with our legal and economic system when a corporation can come into a community, pollute it badly over a number of years, earn a significant profit off that pollution and then disappear and leave the people with the bill for cleaning it up, not to mention the health effects on the community.

We are here on the shores of Onondaga Lake at the heart of the Haudenosaunee Confederacy. Over a

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Speer

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thousand years ago the peacemakers

3

brought together five nations on the

4

shores of this very lake, established a

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Confederacy that some hundred years

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later inspired the Founding Fathers of

7

the United States to form their own

8

Confederacy of States.

9

The lessons of the Haudenosaunee

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that our government seems to fail to

11

incorporate is the concept of natural

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law, and the right of the water, the

13

plants, the creatures, not just humans

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to be healthy. And to make decisions of

15

seven generations yet to come.

16

Somewhere in these proceedings of

17

the federal law something has gone badly

18

wrong and GM has been let off the hook.

19

Many of us understand the inherent right

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of nature to exist and to be healthy.

21

That concept does not seem to be written

22

into our laws, and as a result we have a

23

government unable to hold polluters

24

fully accountable.

25

The entire Superfund program relies

Speer

on risk assessment exposure and clean up can look like putting a fence around the site and keep away from the pollutants as is the case of the Ley Creek dredge spoil site. And it appears that's going to be maintained in perpetuity by the money, small amount that's been given to it.

Nowhere is this failure on the part of our government to uphold natural law more apparent or ironic than in this GM case affecting Onondaga Lake as well as Akwesasne. And because of this the Haudenosaunee suffer and so do the people in Salina and Syracuse. Perhaps the time has come to change the way of doing things.

Under Superfund the federal government is required to consider the health and environmental concerns unique to the Native American populations and resource both on and off their territory. It does not seem like this has been adequately done.

Speer

Earlier this year the Onondaga Nation published a booklet communicating their vision of the future of Onondaga Lake. I would like to read three different quotes. The first is, "The land needs to be healed in order for the lake to be healed."

The second states that in the future "Contamination of the land will no longer pollute the groundwater that flows into the Lake, because the wounds of Mother Earth will be cleaned out so that she can heal. Contaminated soils will be cleaned to the point that the full and proper relationship with the land by people, plant and animals may be resumed again. Groundwater will flow clean.

The waters of the Lake will be restored. People will drink the water and everyone, especially children, will swim and play in the Lake. The waters of the Lake will be reconnected with surrounding wetlands, and the wetlands

1 Speer

2 themselves will be restored."

3 The third quote states, "We will
4 work to restore native fish to Onondaga
5 Lake and its tributaries. The fish will
6 be safe to eat in quantities that
7 sustain life and the Onondaga lifeway."

8 The federal government, my federal
9 government has an obligation to consider
10 this information. And I strongly
11 suggest that the government listen to
12 the words of Haudenosaunee, particularly
13 Mohawk and the Onondaga Nations in this
14 case and hold GM fully accountable. I'm
15 not a lawyer and I don't know how to
16 undo this, the happenings of the last
17 few years, and hold the new GM
18 accountable for its legacy. I ask that
19 you do that for all of our communities.

20 MR. CASEY: Thank you. The next
21 speaker was confused with Robert but
22 it's Les Montgomery. If I said that
23 right, I hope.

24 LES MONOSTORY: My last name is

25 Monostory, Les Monostory. I'm the

1 Monostory

2 Vice-President of the Central New York
3 Chapter of the Izaak Walton League of
4 America. And my first comment is that
5 the public notice about the GM liability
6 was pretty sketchy. I understand there
7 is only two comments submitted that led
8 to this hearing but nevertheless thank
9 you for holding this hearing here.

10 I would probably have some written
11 comments prepared if I had known
12 previously about this entire event and
13 Settlement discussion. But I do have
14 some comments to make here. Our Izaak
15 Walton chapter has been involved for
16 just about 20 years now in monitoring
17 streams all around the County of
18 Onondaga. We've worked primarily with
19 the school groups, but we've also worked
20 with adult volunteer teams that monitor
21 various streams and stream sections
22 throughout the county.

23 One of the sites that we had
24 monitored for probably the past 10 years
25 or so is a site on Ley Creek just west

1 Monostory
2 of the Route 11 bridge. We've also done
3 quite a bit of work on Bear Trap Creek,
4 which is a western tributary of Ley
5 Creek but not directly affected by this
6 discussion although its indirectly
7 affected because obviously fish and
8 other organisms do swim up from Ley
9 Creek into Bear Trap as well as the
10 other section, the eastern sections of
11 Ley Creek.

12 My point is that we've been
13 collecting data on macro invertebrates
14 and also the chemical and physical
15 parameters at this site just on the west
16 side of the Route 11 bridge, particular-
17 ly the biological monitoring that we're
18 doing is based on the presence of macro
19 invertebrates and different types of
20 macro invertebrates species. And those
21 species give us an indication of water
22 quality conditions in the upper stream.
23 Primarily the type of micro-organisms
24 that we found are indicators of polluted
25 conditions or at least moderately

1 Monostory

2 polluted conditions in Ley Creek.

3 I am a, not a scientist per se but
4 I've got pretty good science background
5 and just about 20 years worth of
6 experience in monitoring streams. And I
7 can tell you that the monitoring that
8 we're doing just below the Route 11
9 bridge gives us a clear indication of
10 affects on aquatic life and also the
11 chemical parameters. We don't measure
12 PCBs but we measure other chemical
13 parameters that again, indicate what
14 quality conditions at that site.

15 And we are well aware that anything
16 that we measure in our site is a very
17 strong indicator of influence as coming
18 down from Upper Ley Creek.

19 And one of my questions to the EPA
20 and whoever it is that makes this
21 decision about cutting off the liability
22 at this Route 11 bridge is, did anyone
23 ever study the impacts of PCBs in the
24 entire Ley Creek system? All the way
25 down to Onondaga Lake, which also has

1 Davis

2 been affected by those PCBs. Thank you.

3 MR. CASEY: Thank you very much.

4 Les, how do you spell your last name.

5 LES MONOSTORY: M-O-N-O-S-T-O-R-Y.

6 MR. CASEY: I don't think I'll get
7 this one wrong, Jeff Davis.

8 JEFF DAVIS: Again, Jeff Davis, I'm
9 an attorney with Hiscock and Barclay
10 here in Syracuse, thank you again for
11 coming out in the snow and enjoying our
12 weather. I'm actually here representing
13 a collective group. They are the
14 quote-unquote other PRP's that you
15 mentioned here tonight, Onondaga County
16 and the Town of Salina: Carrier
17 Corporation, Oberdorfer, Syracuse China,
18 Crouse Hinds and our client, National
19 Grid. All of whom, along with Onondaga
20 County and the Town of Salina received
21 notice letters from the EPA relating to
22 Lower Ley Creek. GM did receive a
23 notice letter related to Lower Ley
24 Creek, but as we know they're not going
25 to be participating in the clean up.

1 Davis

2 It's troubling because of the
3 arbitrary line we talked a lot about
4 tonight Route 11. In the drawing of
5 that line everybody has spoken about
6 this evening, everything does flow, yes,
7 downstream. It does flow downhill. And
8 the PCBs that are connected with the
9 Inland Fisher Guide facility it is
10 documented those PCBs are the same PCBs
11 that EPA has found in the testing in
12 2009 and 2010 in Lower Ley Creek.

13 EPA has acknowledged in the sub site
14 designation form that predominant
15 contamination in Lower Ley Creek is
16 caused by GM. Yet the seven entities
17 that are going to be left standing here,
18 the County, Town of Salina, and the
19 non-municipal entities I just mentioned
20 are going to be stuck footing the bill
21 for Lower Ley Creek. And the costs
22 being thrown around are astronomical.

23 So I think the intent of the
24 Bankruptcy Code and the explanation that
25 was done tonight, which I thought was

Davis

excellent, was probably the best one I've had so far in my many dealings with the GM Alex partners folks dealing on the Proof of Claim side. I think the intent of the connected language and the sites that are immediately adjacent to those that are owned sites, Lower Ley Creek and Ley Creek itself is connected. You can't draw an arbitrary line at Route 11. I understand that it is not under an order, but the intent of the language such is that that contamination that is flowing downstream it is GM related, needs to be cleaned up. And GM and the Fund should provide a source to do that. Thank you.

MR. CASEY: Thank you, Jeff. Okay, I'm going ask you to pronounce your name and spell it for the court reporter.

MR. KANIATAKERON: It's spelled
K-A-N-I-A-T-A-K-E-R-O-N. (At first
spoke his Native American language).
I'll translate. I'm here officially by
the first law of the land, the Bear Clan

1

Kaniatakeron

2

mother, she has put the words in this

3

wampum which you've touched which makes

4

you officially part of the happenings

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here. She has commanded me to inform

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you that this document that is being

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presented to all the parties involved is

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not acceptable. And we are of the

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Onkwehonwe tribe. We do not have a

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contract with the United States. We

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don't have a compact. We don't have an

12

accord. We don't have a treaty. We are

13

of the Onkwehonwe signatory tribe.

14

We are not part of the St. Regis

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Indian Tribal Council, which is a

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corporation that seeks protection under

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New York State. New York State protect

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or brought them up and created them. We

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are day and night in our way of

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thinking, though we have similar common

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ground. Should they go in the direction

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and go in this way let it be known they

23

do not speak for us. We are the

24

ancestors, we follow the Great Law.

25

These are canes of authority. This is

1

Kaniatakeron

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our constitution. They are forbidden to

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grab ahold of what the Council at home,

4

meaning the Council has grabbed ahold

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of, which is a creation under McKinley's

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law. That is not acceptable to us.

7

This is our law, this is our

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constitution. To recite this would take

9

four days.

10

I know that it's come a long ways

11

but you need to go back and tell Obama

12

that we are international. We are the

13

first law of the land. We are over the

14

United States. We are over New York by

15

way of our clan mother. Triable customs

16

and usage, it's worldwide it's

17

international. The language I spoke is

18

the first law of the land, international.

19

We allowed you Europeans to come

20

here and stay on this land. We hold

21

underlying title to the land. We never

22

surrendered it. Any treaty that was

23

made by any Indians out there is not

24

legal because it was not sanctioned by

25

or signed by the clan mother. I am not

1 Kaniatakeron
2 part of the 567 nations nor am I part of
3 the band counsel in Canada, nor part of
4 the Triable Council that you mention in
5 here in your contract.

6 We are adjacent to the General
7 Motors' property. What we have to
8 present to you and share with you is the
9 truth. And the truth will turn over
10 your law and it will turn over the facts
11 that hold up your law.

12 I will first talk of the domestic
13 law which you are under, United States
14 and New York State. You are in
15 violation of the Articles of
16 Confederation 2, 6 and 9. I strongly
17 suggest you go back, you look up 2, 6
18 and 9 when it comes to your own law.
19 You will find from the Mohawk River all
20 the way to Niagara Falls north it's
21 still intact. Still.

22 If you are an Indian and you are of
23 the right character and you do not
24 belong to the corporation of the United
25 States by way of a created Tribal

Kaniatakeron

Council under New York State you have
that right. It is a birth right. This
is myself, I am the head man, H-E-A-D
man, head man. I come here charged from
the clan mother, the Bear Clan mother
who has instructed me to inform you that
General Motors has done a great
injustice to the human kind. Total
disregard for human life. They need to
be held responsible. Obama needs to
discipline them. New York needs to
discipline them. Letting them off the
hook by way of this Chapter 11 is
unacceptable. You are charged, from me
to you, I command that you go back and
you tell your leaders, your superiors,
we are the first law of the land. We
never surrendered. It's still ours. We
are stewards, we take care of the land,
the water, the air, no ifs ands or buts.
It is charged in us by a Divine Law.
The same entity that gave us the
constitution is a Divine Law. Your
constitution was taken from this. But

1 Kaniatakeron
2 they took out what I had told you
3 earlier, they took out the main
4 ingredient, they took away the power
5 from the people and they put it in a
6 select few to make decisions, and this
7 is where I see this corporation
8 weaseling out.

9 I am not here alone. We did a
10 ceremony this morning. We called upon
11 the four directions. We called upon the
12 spirits that were here before. We asked
13 for their assistance in making this
14 right. Because the way we see it it is
15 wrong. It's a band-aid solution,
16 especially where I come from. And from
17 what I understand here it's just as bad.
18 They propose to leave the cap there.
19 They propose to leave the PCBs there,
20 mercury and anything else that they
21 threw adjacent to our land that we take
22 care of.

23 It's only a hundred feet from where
24 we put our gardens. When I was a child
25 growing up unbeknownst to us they were

1 Kaniatakeron
2 on the high ground and now that poison
3 is coming down, we're eating it. My
4 scars on my face will tell a story. The
5 pain and suffering that GM, I hold
6 responsible. I had to go to school like
7 that. They have a license to kill
8 issued by New York State who also
9 defrauded our people.

10 The United States meaning Obama is
11 responsible for his children. And he
12 needs to discipline them all the way
13 from where he sits all the way down, and
14 the power behind the throne, behind him,
15 his advisers. If they think for a
16 moment that they will escape this they
17 are sadly mistaken. For the ceremony
18 that we put through this morning they
19 will be advised by the spirits. Whether
20 it be by an odor that they know, they're
21 familiar with, of a person that has
22 passed this world, whether it be a
23 touch, whether it be by any other means
24 of the unnatural world to have done,
25 they're here to assist us. They will.

1 Kaniatakeron

2 Make right this wrong. I see it as
3 a wrong. And I do not share that alone.
4 As with these other people do not see
5 this as a right, as I witness now. You
6 need to go back and give the command
7 from the first law. I gave it to you,
8 that General Motors needs to be
9 disciplined. They need to make right
10 what they -- they need to make, how do I
11 say that, correct the wrongs they did.
12 I'm not schooled in your procedures but
13 I know the difference between right and
14 wrong. And from what I understand and
15 what has happened here and from where I
16 come from, definitely wrong.

17 And what burns me, they still got
18 Chevrolet riding down the road, the
19 emblem, still Chevrolet. That's not
20 right. If they're bankrupt they're
21 bankrupt. They're finished. But they
22 got bailed out 50 billion I understand
23 from the United States. Payable by I
24 guess the taxpayers. That's not right.
25 They didn't do wrong.

1 Kaniatakeron

2 It's the elites I'm talking of.

3 Those people need to be brought down to
4 earth. Those people need to be
5 disciplined. And that is the command
6 from the first law of the land, the
7 woman, Divine Law that I carry her voice
8 through here, you touched this. You
9 will perhaps experience something if
10 you're allowed. If you're spiritually
11 connected you will witness perhaps going
12 down the road, look in your rearview
13 mirror, somebody will be there. You
14 move around to look they're gone. It
15 may be a relative. They're not there to
16 harm you, they're there to let you know
17 it is so, it is true. Do what is right.
18 It is real.

19 If you believe in the God, if you
20 believe in a higher power believe what I
21 say to be true. Because it is already
22 acting. You look outside, they're here,
23 they're in this room. You may not see
24 them but you may feel them. You may
25 smell them. It goes on and on. So with

1

Kaniatakeron

2

that I leave you. Heed my words. I've

3

done the best I could to bring the words

4

from my clan mother to you. We have the

5

right to exercise tribal customs and

6

usage, which we are. And remember one

7

thing, I am not part of the corporation.

8

I don't have a social security, I am

9

alive. My heart pumps blood and air to

10

my brain. I'm here. I'm not an

11

illusion. Look up the Articles of

12

Confederation of New York State.

13

They're not here legally it's an

14

illusion. I've already proven it twice.

15

You will be the third.

16

You will find out the truth and the

17

truth will knock down the facts and the

18

lies that you follow. New York allowed

19

General Motors to put their plant there,

20

no regard for human life. They issued a

21

license saying they owned that property,

22

a deed. It's fraud. You'll find that

23

out in Articles 2, 6 and 9. And then we

24

will have to sit down again and find out

25

what the remedy can be. Because as I'm

1 Kaniatakeron

2 here my people are still dying. Their
3 people are still dying. Whether it be
4 by cancer, lungs. And where are the
5 executives of General Motors? What are
6 they doing? They live in the most
7 protected land in the United States. No
8 pollution where they come from, where
9 they live. That has to stop. And it
10 will stop. And the spirits will see to
11 it that they will be stopped one way or
12 the other.

13 We hope that they'll grab onto the
14 peace we offer because it is peace on
15 earth and respect we live by. And it
16 was my duty to inform you so you can
17 inform them that it has begun effective
18 now. And they should do the right thing
19 or their lives will change forever and
20 it won't be nice. That's just the way
21 natural law is. We have the ability to
22 ask for that and we did. We are part of
23 nature and we live with nature and we
24 respect nature.

25 And the document you speak of we'll

1 Kakweraais
2 never accept because it ain't right.
3 It's a band-aid solution as to what
4 they're offering where I come from. To
5 leave that there, a hundred feet from
6 where we live. So that's about it.
7 Take that back and give that back to
8 Obama. I hold Obama responsible and the
9 power behind him to correct the wrongs
10 that were done. Thank you.

11 MR. CASEY: Thank you very much.

12 MS. KAKWERAIS: K-A-K-W-E-R-A-I-S.
13 All I'd like to say is that everybody in
14 this room has a mother and a father.
15 And when you were being brought up your
16 mother and father taught you things.
17 Number one, I'm sure they taught you to
18 be honest, to always do what's right.
19 And how did they do that? By example.
20 But what has happened here is those
21 words that you were taught as children
22 somehow is lost because people make
23 laws, like what they're talking about,
24 Chapter 11.

25 General Motors isn't the first party

1 Kakwera is
2 that used that. Chemtra, Monsanto,
3 Hooker, I could go on and on. They
4 forgot what their parents taught them.
5 That was to be honest and to do what's
6 right. So because of that companies
7 like General Motors, because they don't
8 even follow their own law, they don't
9 follow the law. Because if I went and
10 get 22 million cubic square yards of
11 PCBs and dumped it in your yard I'd
12 probably be indicted by the United
13 States criminally.

14 So it's real simple. She talked
15 about Chapter 11. Well, General Motors
16 shouldn't be afforded the right to
17 declare bankruptcy and use the laws of
18 the United States to get away with what
19 they've done. I thought that the laws
20 that the United States made were to
21 protect their people, to make sure that
22 no harm comes to them. But it seems
23 that these papers that they talk about,
24 if you go to their site, 8,441 documents
25 have been filed in regard to this

1

Kakwerais

2

bankruptcy. For them not to address

3

what they really have done. 89

4

properties in the United States is what

5

they're talking about. Like what you

6

said about a line. You think the poison

7

stops at Route 11? I don't know where

8

this is where you're talking about, but

9

the PCBs don't stop at that bridge.

10

They don't stop there and say okay,

11

we've got to stop. No.

12

A person that has a mind, they might

13

not have a doctorate in environmental

14

sciences, they might not be a lawyer,

15

but they have common sense. And what is

16

missing is the common sense that these

17

people like General Motors don't use.

18

They use all these laws to their benefit

19

to get away with murder. That's what

20

they've done. And then we give them a

21

bonus. We give them a bonus. We give

22

them extra money. Here, get back on

23

your feet.

24

And all the toxics things that

25

they've done they're allowed to get away

1 Kakweraais
2 with it. And that is not right.
3 Because the PCBs last thousands of
4 years. The remagnification process of
5 that poison continues. And so as
6 responsible people like what your
7 parents taught you when you were growing
8 up, did they tell you use all these laws
9 to your benefit, make sure you're never
10 responsible for things that you do?
11 Write all kinds of papers up, destroy
12 the earth, go into communities, pollute
13 their land, poison their rivers, disrupt
14 the DNA. And cover it up with papers.

15 Is that what they taught you? Is
16 that what you learned in law school?
17 Was not to deal with what the heart of
18 the issue is? Is the fact that
19 corporations and people went and did
20 these terrible things to the earth. I
21 think it's an injustice with what has
22 happened. It's an injustice.

23 One man spoke about the test that
24 they did. Well, do you know in our
25 community what we're known for? The

1

Kakwerais

2

most toxic tomato on earth. The most

3

toxic Indian tobacco. The turtles are

4

not even born yet. They're in their

5

clutch. And they're so toxic that when

6

the scientists went to check how much

7

poison they had on them they had to

8

dispose of them to a secured facility.

9

Now what's the difference between

10

that scientist and General Motors?

11

What's the difference? The difference

12

is is when you take laws and stuff and

13

you twist it and turn it to suit you, to

14

get away with something. And that's

15

what the \$783 million settlement is all

16

about. It's about being irresponsible

17

for the damage that they've done right

18

across this country. But I guess maybe

19

that's the principle, maybe that's the

20

principle, maybe I have it wrong. Maybe

21

that's the principle that the United

22

States wants the world to know. Poison

23

the land, poison the people, destroy

24

everything, and then file Chapter 11.

25

But before you do that what we'll do

1 Kakweraais
2 is we'll give you all this extra money
3 and you can make a new company. And
4 then we'll make all the citizens pay for
5 it. I think that's wrong. And I don't
6 think that's what most parents, mothers
7 and fathers taught their children. I
8 believe that mothers and fathers taught
9 their children to do what's right. To
10 do what's right.

11 And one of the concepts that we have
12 a difference on, as Onkwehonwe people is
13 that we look at the earth as our mother.
14 Some people might think oh, those people
15 they always say that. But it is. She's
16 a life giver. Because if she stopped
17 working and giving life for one day you
18 people would be in trouble. And I
19 believe she deserves the respect that
20 all that she's given, all that she's
21 given to the people in this country she
22 deserves respect. And if it was your
23 mother and she was all full off poison
24 would you say keep it there? Cover it
25 up? Is that the decision you'd make?

1 Kakwera is

2 And that's the part where you have to
3 search inside. And you have to do
4 what's right. And what they're doing is
5 wrong.

6 And where is all the people that are
7 impacted? Where is all those people?
8 General Motors is fully aware, they know
9 what they did. But they, as they said
10 they got rid of their toxic assets.
11 That's right. And the responsibility.
12 \$783 million isn't going to do it. It's
13 not going to do what's right. So maybe
14 what we should do is we should tell all
15 our people to do what's not right. Is
16 that that what the message should be?
17 Should we go out there and tell all our
18 people don't do what's right, do like
19 General Motors.

20 Go out there, rape, pillage, and
21 destroy the earth. And then the United
22 States is going to give you a pass. Is
23 that the principle? Is that the legacy
24 that we want? Because PCBs doesn't
25 distinguish. It doesn't say I'm going

1 Kakwerais

2 to go after you and I'm not going to go
3 after you. It doesn't do that. It goes
4 after everyone. And it destroys them.
5 It affects their ability.

6 The Michigan fish study. They
7 concluded a study of people around Lake
8 Michigan because they were concerned
9 about the PCBs. Why? The United States
10 made a law banning their use. Because
11 they were so bad they made a law. So
12 what happened after that? Even though
13 they made a law and said you can't use
14 it no more because it's so bad it has
15 already impacted a lot of people. And
16 it affects the cognitive abilities of
17 our children, that what they could
18 ascertain in life will be changed once
19 they're exposed to that.

20 So I don't believe that people that
21 did those kind of terrible things should
22 be afforded a pass under Chapter 11 and
23 not made to take responsibility for what
24 they've done. And I'm sure whether it's
25 Akwesasne, Salina, Kentucky, Missouri,

1 Kakweraais

2 Michigan, they did the same thing. They
3 did the same thing. And for that I
4 don't think that we should agree or that
5 the United States should agree that they
6 should be given a blessing for all what
7 they've done. It's not right.

8 People in general are having hard-
9 ships across this country. People are
10 getting thrown out of their houses and
11 thrown into the streets. Some people
12 don't have a job. They worked for 30
13 years for a company. They don't have
14 anything. Is anybody running to help
15 them? Is anybody putting their hand out
16 and grabbing them and saying, lifting
17 them up and saying, I'll help you? I'll
18 try to help get you a job. Those is how
19 we have to look at it.

20 What is the difference between the
21 regular person in this country and
22 General Motors? There is no difference.
23 But to the United States I believe there
24 is a difference. They view them very
25 differently. And I think it's wrong,

1

Kakwera is

2

it's very wrong all those papers. How

3

much money did they spend on that? And

4

they never went and talked to the people

5

that are adversely affected. So what

6

I'm saying is that if people have, were

7

brought up, brought into this world by a

8

man and a woman, which is your mother

9

and father, they told you to do what's

10

right. And those are principles that I

11

think should be followed.

12

And General Motors should be not

13

allowed to do what they've done. And be

14

given a bonus at that. Because we have

15

to look at it way ahead. Just like I'm

16

sure your parents, your mother and

17

father, I'm sure they wanted to see

18

seven generations of your family. Well,

19

that's how we were taught. That what

20

actions we do today that we have to look

21

seven generations ahead, that it's not

22

going to harm them.

23

But people like General Motors and

24

Monsanto and all these companies they

25

didn't look seven seconds ahead.